(SRI M. V. RAMA RAO.)

territorial jurisdiction of the District Judge's Court at Bangalore. Sir, while it is true that certain additional expenditure may have to be incurred for locating the courts at the District headquarters themselves, I would urge upon the Government the desirability in addition to the necessity, of locating these District Judges' Courts at the District headquarter places themselves.

As a matter of fact, what applies to the case stated on behalf of Chitaldrug District would apply at least in equal measure in respect of Tumkur District also. The entire volume of work that is to go before the District Judge's Court from Tumkur District has now got to be brought before the Principal 'or one of the Additional District Judges' Courts located at Bangalore. I would urge that Government should hasten the process having regard to the considerable volume of work proceeding from each of these districts which are now included in the territorial jurisdiction of the Principal District Judge's Court. I support the cut motion suggesting to the Government the desirability of the establishment of a District Judge's Court at Chitaldrug and I would add that the same indulgence and the same willingness shown to the view-points of the spokesmen of Chitaldrug District or Kolar District may be evinced in the case of Tumkur District as well. I may add, Sir, that the case for locating the District Judge's Court at Tumkur has been stated before the proper authorities earlier than the case for Chitaldrug District and I hope Government would see its way to establish these District Judges' Courts having regard to all these matters.

Sri K. PATTABHIRAMAN (Kolar).—I am sure, this matter has been very ably pleaded by the two speakers. I want the Hon'ble the Law Minister to consider this in the light of the amendment of the Criminal Procedure Code which is now before the Central Parliament, copies of which have been circularised. In view of the new provision of the Criminal Procedure Code, I want you to consider what would be the volume of work that would devolve upon the District Courts in the new set up. Would it not be better that the District Courts now at Bangalore are located in the several district headquarters as has been suggested by Hon'ble members?

*Sri A. G. RAMACHANDRA RAO (Minister for Law and Education).—Sir, I may at once say that the reasoning that has been put forward is engaging the attention of Government. Regarding the Shimoga Division, a District and Sessions Judge is transferred, for Shimoga, Chikmagalur and Chitaldrug on the other side. Regarding Chitaldrug, I am told, bulk of the work of the District Court, at least more than 50 per cent of the cases are from Chitaldrug District. Now Sir, with the integration of Bellary where there is a District Judge, we have got to allocate the work properly. That issue is there. Regarding Bangalore, on account of various circumstances there are two Courts in Civil Station and three in the City. It has certainly come to the notice of the Government and while the re-organisation of the work is taken up, the question of Kolar and Tumkur will be considered. Little has been said about Mysore. There also there was an additional court for a number of years and now to watch the quantum of work and redistribution we have closed that court. All these factors would be taken into consideration by Sri Mallappa, who has been requested to go into the matter. The proceedings on this matter will also be sent to him.

Sri MULKA GOVINDA REDDY.—I seek leave to withdraw the cut motion.

The cut motion was, by leave, withdrawn.

Recruitment of Munsiffs and Magistrates.

Sri H. C. LINGA REDDY (Malur).—I move:

"That the demand under the head '27. Administration of Justice' for Rs. 27,95,000 be reduced by Rs. 100 (to raise a discussion on recruitment of Munsiffs and Magistrates to the Judiciary)."

Sir, this gave rise to a lot of controversy so much so that we have been urging Government to separate the Judiciary from the Executive and even request the concerned authorities to end the controversy. It is very unfortunate that though even the Chief Justice of the Supreme Court of India has made a request to the Heads of the Judiciary and also the Executive in the State, no serious attempt has been made to set at rest this controversy in the matter of appointment of Munsiffs and Magistrates to the Judiciary. This is not the first time that the Government are recruiting the Munisiffs and Magistrates to the Judiciary. No doubt, provisions of the Constitution have to be implemented and the Constitution came into being so long back as 1947. But, no rule or regulation has been framed for the recruitment of the Munsiffs and Magistrates to the Judiciary. The precedent followed in our State is, that the High Court will recommend some names and the Government accept the recommendations made by the High Court. Sir, the High Court is the highest Tribunal in the State and if the recommendations sent by the High Court are not accepted by the Government, it means that the Executive has no confidence in the High Court. The High Court, it should be understood Sir, is the temple of justice and the recommendations are made not merely by the Chief Justice but by all the Judges of the High Court. The non-acceptance of the recommendation made by the High Court would mean a reflection on the High Court. No doubt Government have given the reason that the list given by the High Court was too long and therefore selection from that list could not be made and Government called for some details which the High Court refused to furnish and so on. But, they could have made their own selection depending upon the demand of those posts. On the other hand, without accepting the recommendations of the High Court what the Government have done is, they have decided to do away with a number of courts though the High Court was not in favour of abolishing them. As the Leader of the Opposition was pointing out the other day, this state of affairs has led to very far reaching results. There is room for the public to think otherwise of the administration of justice and also of the High Court. No doubt the rules of recruitment of Munsiffs and Magistrates have been framed now and they are placed before us. But, we have not made any serious attempt to accept them and to make recruitment of Munsiffs and Magistrates in accordance with the rules. Till such time these rules are accepted, there was nothing wrong for the Government to accept the recommendation made by the High Court.

Mr. SPEAKER.—May I request the Hon'ble Member that no reference need be made regarding the past history? Fresh rules for recruitment are framed and copies are distributed. Any discussion relating to the persent rules, but not the past, may be relevant and pertinent.

Sri H. C. LINGA REDDY.—If Government are in a position to implement the rules, I have certainly no objection. Copies have been distributed and we have to discuss them.

Mr. SPEAKER.—Not necessary.

Sri H. C. LINGA REDDY.—If that is not necessary, Government may straightaway act according to the rules framed. The rules have been framed and distributed as long back as a month or two. Even now we do not see the rules being followed so far. Therefore, if the controversy should be ended and if the disputes that have been spoken of have to be set at rest, I think, it is very necessary that these rules are followed immediately and appointments of Munsiffs and Magistrates made and the controversy set at rest beyond all doubts.

Mr. SPEAKER.—Cut motion moved:

"That the demand be reduced by Rs. 100."

Sri M. V. RAMA RAO.—I wish to say. . . .

Mr. SPEAKER.—There will not be any time for reply.

Sri M. V. RAMA RAO.—I have not got much to say but wish to mention only one point regarding the rules

(SRI M. V. RAMA RAO.)

framed by Government for the recruitment of Munsiffs and that is this. It is true that rules have been framed under Article 234 of the constitution for the recruitment to the posts of Munsiffs. Rule 19 lays down the conditions upon which and the circumstances in which a candidate appointed as Munsiff would be able to obtain confirmation of his appointment as Munsiff. It will be seen, Sir, from sub-rule (2) of Rule 19 that if, in the opinion of the Rajpramukh, the work and conduct of an officer on probation is unsatisfactory or shows that he is unlikely to become efficient, the Rajpramukh may discharge him forthwith. Sub-rule (3) says:

> "On the conclusion of the period of probation, the Rajpramukh may confirm the candidate in his appointment or, if his work and conduct are, in the opinion of the Rajpramukh, deemed unsatisfactory, the Rajpramukh may either discharge him from the service or may extend his period of probation for such further period as the Rajpramukh may think fit."

What I wish to say is this. This rule, to my mind, would mean that the confirmation of the appointment of a person who is recruited as Munsiff would depend upon the opinion which Government will form of his work as Munsiff during the period of probation. Therefore, Sir, I would suggest, very earnestly suggest, that in order to avoid the possibility of Government not being able to form a sound judgment on the nature and quality of the work done during the period of probation by any candidate recruited as Munsiff, they should suitably modify this rule so as to make it a matter of administrative practice at least for Government to act upon the report of the High Court in regard to the work by the Munsiff instead of the matter being left entirely to the judgment or discretion of the Government itself.

11 A.M.

MR. SPEAKER.—No reply. The question is:

> "That a sum not exceeding Rs. 27,95,900 be granted to the Government to defray the charges which will come in course of payment during the year ending 31st day of March 1955 in respect of 'Administration of Justice'."

The motion was adopted.

DEMAND No. 15—JAILS AND CONVICT SETTLEMENTS.

28. JAILS AND CONVICT SETTLEMENTS.

MR. SPEAKER.—Motion moved:

> "That a sum not exceding Rs. 18,52,000 be granted to the Government to defray the charges which will come in course of payment during the year ending 31st day of March 1955, in respect of 'Jails and Convict Settlements'."

Bangalore Central Jail (shifting to Bellary).

SRI R. ANANTARAMAN (Chamarajpet).—Sir, I beg to move:

> "That the demand under the head '28. Jails and Convict Settlements' for Rs. 18,52,000 be reduced by Rs. 100 (to raise a discussion that the Central Jail, Bangalore, is not yet shifted to Bellary)."

Generally Jails in Mysore State are located in the outskirts of the town. This is the only Jail which is not so situated now. Probably it was built 40 years ago; it may be more also, I am not aware of it exactly. At that time it was situated at the outskirts of the city. But now Bangalore City has grown up. Round this Central Jail we have got several colleges, Government buildings and also offices. This is almost a nuisance for the people living round about. Also, I had an opportunity of being in the Jail for some time. This jail is not having large accommodation there. The cells are narrow. There is an isolation cell also. It is far away from the gate. Also the sanitary condition is hopelessly bad. In 1948 it had no flush-out. I do not know whether there is any